

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

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S.B. 174 -- Child support after termination of parental rights

Children's Committee public hearing -- February 5, 2009

Testimony of Raphael L. Podolsky

Recommended Committee action : NO ACTION ON THE BILL

This bill proposes that a parent whose parental rights have been terminated because of the parent's abuse or neglect of the child should be obligated to continue to support the child until age 18. We think that this is counterproductive for a number of reasons:

- * It keeps the parent linked to the child, when the termination of parental rights is intended to break that link. Parental rights are not supposed to be terminated unless termination is in the child's best interest. An obligation to pay for the child, if enforced, keeps the parent's mind on the child. When child support is used as a weapon in this way, it is likely to breed little but resentment.
- * It puts the child at psychological, and possibly even physical, risk. The child needs to bond with his or her new family, whether through adoption or foster placement, and, if adopted, experience the adoptive parents as actual parents. There are circumstances when it may be in the child's best interest to maintain an on-going relationship with the birth parent. In abuse and neglect cases, however, that is ordinarily not the case. If the birth parent has violent tendencies, an insistence of paying child support may generate feelings that could result in physical harm to the child.
- * It appears to be entirely punitive. Since the parent whose rights have been terminated has no right to visit or to see the child, it is very much like imposing a weekly or monthly fine until the child turns 18. However, it is not a fine that is likely to be paid. Parents whose parental rights are terminated are often very poor with few resources. It is instead a kind of sword over the person's head that penalizes productivity or reduces in incarceration for failure to pay.
- * It thus interferes with the rehabilitation of the birth parent without providing any significant benefit to the child. While the state's focus is properly on the child, one hopes that the birth parent, through treatment or emotional growth over time, can overcome the behaviors that led to termination of parental rights in the first place. The unending liability for a child that he or she no longer has, which is likely to be enforced through a wage execution, prevents the birth parent from accumulating any resources and tends to drive the birth parent out of the labor market, reinforcing whatever undesirable traits that led to the neglect or abuse. By undercutting the rehabilitation of the birth parent, the state invites repeated terminations as the parent has more children.